

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

December 23, 2008 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless stated otherwise, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled "Amended Civil Minute Order."

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.
3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	08-35603-D-11	ERIC/RENAY WASHINGTON	HEARING - MOTION FOR
	RPM #1		RELIEF FROM AUTOMATIC STAY
	DAIMLERCHRYSLER FINANCIAL		11-25-08 [13]
	SERVICES AMERICAS LLC, VS.		

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay by minute order. As the debtors are not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). There will be no further relief afforded. No appearance is necessary.

2. 08-90705-D-11 ALAN CHENEY & ASSO. INS. CONT. HEARING - DEBTOR'S
WFH #13 SERVICES MODESTO, INC. THIRD MOTION FOR AUTHORITY TO
USE CASH COLLATERAL
10-30-08 [251]

3. 08-31526-D-7 JODY COULSTON, SR. HEARING - MOTION OF
MFB #1 THE CHAPTER 7 TRUSTEE FOR
EXTENSION OF DEADLINES
11-24-08 [15]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

4. 08-35231-D-7 JOE MADRID HEARING - MOTION FOR
APN #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO FINANCIAL, VS. 11-17-08 [10]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay. As the debtor's Statement of Intentions indicates he will surrender the property, the court will also waive FRBP 4001(a) (3) by minute order. There will be no further relief afforded. No appearance is necessary.

5. 08-33142-D-11 MARK'S SPORTS BAR CONT. HEARING - MOTION
JPG #1 AND GRILL, INC. FOR APPROVAL OF EMPLOYMENT
OF BANKRUPTCY COUNSEL AND
APPROVAL OF PAYMENT OF FIXED
FEE COMPENSATION
10-24-08 [17]

Debtor has filed an identical motion, which is calendar item 17. This motion will be denied by minute order as moot.

6. 08-29452-D-7 ALBERT/KATHY CUMMINGS HEARING - MOTION FOR
MBB #1 RELIEF FROM AUTOMATIC STAY
MORTGAGE ELECTRONIC REGISTRATION 11-20-08 [43]
SYSTEMS, INC., VS.

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The debtors received their discharge on December 5, 2008 and, as a result, the stay is no longer in effect as to the debtors (see 11 U.S.C. § 362(c)(3)). Accordingly, the motion will be denied as to the debtors as moot. The court will grant relief from stay as to the trustee and the estate, and will waive FRBP 4001(a)(3). This relief will be granted by minute order. There will be no further relief afforded. No appearance is necessary.

7. 08-30954-D-7 LOUIS MCKINLEY HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
11-24-08 [32]

8. 08-29259-D-7 BRIAN/DAWN HARDWICK HEARING - MOTION FOR
PPR #1 RELIEF FROM AUTOMATIC STAY
FIRST FRANKLIN, VS. 11-21-08 [43]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

9. 08-33864-D-7 JESUSITO TRASMIL HEARING - AMENDED MOTION
JMS #1 FOR RELIEF FROM AUTOMATIC STAY
CITI RESIDENTIAL LENDING, INC., VS. 11-17-08 [42]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

10. 08-90779-D-11 UNIQUE DEPENDABLE INSURANCE CONT. HEARING - DEBTOR'S THIRD
WFH #13 SERVICES, INC. MOTION FOR AUTHORITY TO USE
CASH COLLATERAL
10-30-08 [255]

11. 05-25384-D-7 JOHN NEAGLE HEARING - MOTION TO
BHS #1 APPROVE COMPROMISE OF
CONTROVERSY
11-25-08 [57]

The matter is resolved without oral argument. There is no timely opposition to the trustee's motion to approve compromise and the trustee has established the compromise is in the best interest of the estate and creditors. Accordingly, the motion will be granted and the compromise approved by minute order. No appearance is necessary.

12. 05-25384-D-7 JOHN NEAGLE HEARING - VERIFIED MOTION
BHS #2 OF TRUSTEE'S SPECIAL COUNSEL
FOR AN ORDER GRANTING FIRST
AND FINAL ALLOWANCE OF COM-
PENSATION AND REIMBURSEMENT OF
EXPENSES (\$24,000.00 FEES;
\$10,074.40 EXPENSES)
11-25-08 [52]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

13. 08-30812-D-7 GLENDA BAUER HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
12-3-08 [73]

14. 08-35330-D-7 THADDEUS/GINA SETLA HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
MORTGAGE ELECTRONIC REGISTRATION 12-9-08 [23]
SYSTEMS, INC., VS.
15. 08-24733-D-11 LANNY/DEBORAH TOBE HEARING - MOTION FOR
DGN #2 RELIEF FROM AUTOMATIC STAY
FORD MOTOR CREDIT CO., VS. 12-9-08 [76]
16. 06-22634-D-7 MARCELLUS PERKINS HEARING - OBJECTION TO
REPORT OF NO DISTRIBUTION
BY DEBORAH JOHNSON-CANNON
12-4-08 [129]
17. 08-33142-D-11 MARK'S SPORTS BAR HEARING - MOTION
JPG #1 & GRILL, INC. BY DEBTOR FOR APPROVAL OF
EMPLOYMENT OF BANKRUPTCY COUNSEL
AND APPROVAL OF PAYMENT OF
FIXED FEE COMPENSATION
12-9-08 [24]

18. 08-37247-D-7 CHARLOTTE/GREGORY CHERNAK HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
MORTGAGE ELECTRONIC REGISTRATION 12-9-08 [7]
SYSTEMS, INC., VS.

19. 08-30954-D-7 LOUIS MCKINLEY HEARING - MOTION FOR
KAT #1 RELIEF FROM AUTOMATIC STAY
DEUTSCHE BANK NATIONAL 12-9-08 [36]
TRUST COMPANY, VS.

20. 08-34961-D-7 ERIN O'ROARK HEARING - MOTION FOR
HRH #1 RELIEF FROM AUTOMATIC STAY
WELLS FARGO FINANCIAL ON REAL PROPERTY
CALIFORNIA, INC., VS. 12-4-08 [8]

The matter is resolved without oral argument. This motion was noticed under LBR 9014-1(f)(2). However, the debtor's Statement of Intentions indicates she intends to surrender the collateral and the trustee has filed a Report of No Assets. Accordingly, the court finds a hearing is not necessary and will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

21. 08-34862-D-7 MANDEP/ROSALYN SINGH HEARING - MOTION
DB #2 TO VACATE DISMISSAL
12-3-08 [26]

CASE DISMISSED 12-4-08

The motion is denied for the following reasons: (1) the moving parties served the U.S. Trustee at an incomplete address; (2) the proof of service is incorrect in that the purported date of service, November 24, 2008 predates the date of the notice of hearing and motion, in December; (3) the purported date of service, November 24, 2008, also predates the date of the hearing that resulted in the dismissal that is now sought to be set aside; thus, the proof of service cannot be accurate; (4) the motion is not signed; (5) the notice of hearing gives conflicting hearing dates in the caption and the text; (6) the motion was incorrectly set on a chapter 7, 9, 11, and 12 calendar; (7) the moving parties failed to serve either of the creditors who have filed claims in this case at the addresses on their proofs of claim (as required by FRBP 2002(g) or at all; (8) the moving parties failed to serve secured creditor Ford Credit, unsecured creditor Cheifetz Iannitelli Marcolini, and lessor Mazda Credit, listed in the Debtors' schedules, at all; and (9) the motion fails to state any grounds for granting the relief requested. As a result of these defects the court will deny the motion by minute order. No appearance is necessary.

22. 08-90365-D-11 DIABLO GRANDE LIMITED HEARING - THIRD INTERIM
SMR #22 PARTNERSHIP SMR #22 APPLICATION OF SHEPPARD, MULLIN,
RICHTER & HAMPTON LLP FOR
ALLOWANCE OF COMPENSATION AND
REIMBURSEMENT OF EXPENSES
INCURRED AS BANKRUPTCY RE-
ORGANIZATION COUNSEL FOR THE
DEBTOR (\$464,734.00 FEES;
\$16,022.72 EXPENSES)
12-3-08 [561]

23. 08-90365-D-11 DIABLO GRANDE LIMITED HEARING - THIRD
SMR #23 PARTNERSHIP INTERIM APPLICATION FTI
CONSULTING, INC. FOR ALLOWANCE
OF COMPENSATION AND REIMBURSE-
MENT OF EXPENSES INCURRED AS
FINANCIAL ADVISOR TO THE DEBTOR
(\$201,660.50 FEES; \$1,046.44
EXPENSES)
12-3-08 [564]

24. 08-36471-D-7 MIKE CHAHAL
RSS #1
AMERICAN HOME MORTGAGE
SERVICING, INC., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
(UNLAWFUL DETAINER)
12-8-08 [11]

25. 08-33274-D-7 MARTIN/MANUEL DAMIAN
DGN #1
FORD MOTOR CREDIT CO., VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
12-2-08 [30]